

ARTICLE 6.0 GENERAL PROVISIONS

Section 6.01 Accessory Structures and Uses.

The following shall apply to the construction, establishment or alteration of accessory structures and accessory uses in the Township:

A. Approval Required.

It shall be unlawful for any person to construct, establish or alter any accessory structure or accessory use upon any lot without having first obtained all necessary permits or approvals, including any required outside agency approvals and the following:

1. Accessory uses shall be permitted as listed in Article 4.0 (Land Use Table), or as similar to such listed uses, and only if such uses are clearly incidental to the permitted principal land uses. Other accessory uses, not listed, shall be permitted if customarily incidental to any permitted principal land uses.
2. Construction, alteration or relocation of structures accessory to RURAL USES, except agricultural structures as regulated by the Right to Farm Act, shall be subject to approval per Section 1.07 (Certificates of Zoning Compliance).
3. Construction, alteration or relocation of structures accessory to RESIDENTIAL USES and exceeding 100 square feet in floor area shall be subject to approval per Section 1.07 (Certificates of Zoning Compliance).
4. Construction, establishment or alteration of other accessory structures and accessory uses shall be subject to site plan approval, where required by Section 15.02 (Site Plan Approval Required).

B. General Standards.

All accessory structures, including agricultural accessory structures subject to the Right to Farm Act, shall conform to the applicable requirements of Article 3.0 (Dimensional Standards), and the following:

1. Accessory structures in any district shall only be used for permitted uses or activities customarily incidental to the permitted principal use(s) in the district.
2. No accessory structure shall be used prior to occupancy of the principal building or use, except as a construction facility for construction of the principal building.
3. Accessory structures shall not be located within a dedicated easement, road right-of-way or any required yard; or within five (5) feet of any other structure.
4. Accessory structures that are structurally attached to a principal building shall conform with all regulations of this Ordinance applicable to the principal building.

C. Agricultural Accessory Structures.

Agricultural accessory structures may be located in front of the front building line of any principal building on the lot, provided that such structures shall be set back a minimum

of 100 feet from all existing dwellings on adjoining lots and a minimum of 30 feet from all lot boundaries and road rights-of-way.

D. Carports and Vehicle Shelters.

The following additional standards shall apply to carports and vehicle shelters, including structures that are temporary in design or purpose:

1. Carports and vehicle shelters shall conform to all requirements of this Ordinance that apply to accessory structures. Carports and vehicle shelters constructed as permanent structures shall also conform to State Construction Code requirements.
2. Carports and vehicle shelters that are temporary in design or purpose shall be anchored and secured against high winds and severe storms, and shall not be electrified or climate-controlled.

E. School Bus Stop Shelter.

One (1) detached accessory structure of up to 100 square feet in area and twelve (12) feet in height shall be permitted within the required front yard for the purposes of providing temporary shelter at a school bus stop, provided that the structure is set back at least ten (10) feet from the side lot boundary and outside of the road right-of-way.

Section 6.02 Storage of Materials.

The following provisions shall apply to storage of materials in the Township:

1. Garbage, trash, and similar refuse to be stored outside a building in the R-6 (Manufactured Housing Park) District, and all Business Districts and Other Districts as specified in Article 4.0 (Land Use Table), shall be stored within approved containers located within an enclosure constructed of an opaque material, such as wood, concrete blocks or bricks, on at least three (3) sides. The fourth side may be open for access, or access may be provided by one (1) or more gates. The storage area shall have a concrete floor at least four (4) inches thick.
2. The location or storage of abandoned, discarded, unused, unusable or inoperative appliances, furniture, equipment or materials (not including inoperative vehicles or equipment and materials associated with an active farm or agricultural operation) shall be regulated as follows:
 - a. Incidental storage on any lot or parcel that is customarily accessory to a permitted land use in the zoning district shall be limited to within a completely enclosed structure. Such storage shall be for future transfer to other premises and shall not be for the purpose of hire or sale.
 - b. Other outdoor storage, as permitted per Article 5.0 (Use Standards), shall conform to Section 5.504 (Outdoor Storage, General).
 - c. Junkyards, salvage yards, outdoor vehicle storage, vehicle dismantling or recycling facilities, and similar material recovery facilities shall conform to Section 5.503 (Junkyards and Material Recovery Facilities).

Section 6.03 Relocated Structures.

Any structure that is moved shall be treated the same as a new structure for purposes of compliance with setbacks and other dimensional standards of this Ordinance.

Section 6.04 Temporary Structures.

No tent, cabin, garage, cellar, basement, or fixed or movable temporary structure may be erected, altered or moved upon or used in whole or in part, except in accordance with the following:

A. Temporary Dwelling.

If an existing dwelling is destroyed or is damaged by a natural or man-made event, such as fire, flood, windstorm, or tornado, to an extent that it is uninhabitable for a period of time, a temporary dwelling may be moved onto the lot for use during replacement or repair of the permanent dwelling. A temporary dwelling may also be permitted during the period of construction of a new principal dwelling on the same lot or parcel. Such temporary dwellings shall be subject to the following requirements:

1. The temporary dwelling shall conform to the applicable requirements of Article 3.0 (Dimensional Standards), and shall be subject to approval per Section 1.07 (Certificates of Zoning Compliance).
2. The temporary dwelling shall be connected to private water supply and sewage disposal systems approved by the Washtenaw County Environmental Health Division, or to public water supply and sewage disposal systems.
3. The temporary dwelling shall comply with all applicable Township and outside agency requirements regarding construction, anchoring, utilities, and placement on the site. Where a recreation vehicle is used for a temporary dwelling, the recreation vehicle shall be anchored to the ground in a manner approved by the Zoning Administrator.
4. The temporary dwelling will be occupied only during the period of replacement or repair of the permanent dwelling or construction of a new principal dwelling, with occupancy limited to the lot or parcel owner(s) and their family and dependents.
5. The Zoning Administrator shall establish a reasonable date for removal of the temporary dwelling, which shall not exceed:
 - a. Two (2) years from the date of destruction or damage to the existing principal dwelling, or in cases where the temporary dwelling is associated with construction of a new principal dwelling.
 - b. 30 calendar days after the date of occupancy of the principal dwelling, with the date of occupancy to be as listed on the certificate of occupancy.

One (1) extension of up to 365 calendar days may be granted by the Zoning Administrator upon written request and showing of good cause by the lot or parcel owner, provided that the construction, replacement or repair work has commenced and is proceeding to completion in accordance with an approved

building permit. The owner shall be responsible for removal of the temporary dwelling.

6. The lot or parcel owner shall deposit with the Township a minimum \$2,500.00 cash performance guarantee to ensure removal of the temporary dwelling. This guarantee may be reduced or waived by the Township Board for good cause shown, after written request by the lot or parcel owner.
7. The owner shall post a signed copy of the Certificate of Zoning Compliance for the temporary dwelling in a conspicuous place on the structure.
8. The Zoning Administrator shall notify the Township board and Planning Commission in writing of each temporary dwelling authorized under this Section.

B. Temporary Construction Structures.

Construction trailers or temporary structures necessary to facilitate construction on any site that is proceeding under a valid building permit shall be permitted and are exempt from Section 6.04C (Portable Structures). However, no such structure shall be on the construction site longer than 30 calendar days after completion of construction. Temporary construction structures shall conform to all applicable provisions of this Ordinance, and shall not be used as a sign for the use under construction.

C. Portable Structures.

Portable structures, such as a tent, canopy or portable container for packing and shipping of household goods, shall be permitted accessory to any RESIDENTIAL USES and may be placed within required yard setback areas or driveways. Such containers shall not be placed within any road rights-of-way or corner clearance areas per Section 3.208 (Corner Clearance Areas), and shall not be located on any premises for more than 60 days in a calendar year.

A general cargo trailer, bulk shipping container or similar structure designed and used for hauling or storing inventory, merchandise or equipment and not designed to be permanent, shall not be located on any premises for more than 180 days in a calendar year, unless as permitted per Section 6.04B (Temporary Construction Structures). Where permitted, portable structures shall be located in full conformance with the setback, dimensional and design requirements of this Ordinance.

Section 6.05 Vehicle Repair in Rural and Residential Districts.

Repair of a personal vehicle on a lot in the Rural or Residential Districts, or on any lot occupied by RESIDENTIAL USES, shall be considered an incidental residential use of the lot, provided that the vehicle is owned and operated by the lot owner or occupant. All other motor or recreational vehicle repair activity or parking of such vehicles in any zoning district shall conform to Article 4.0 (Land Use Table) and the applicable requirements of Section 5.204 (Home Occupations), Section 5.408 (Motor Vehicle Service Centers, Repair Stations, and Fueling Stations), and Article 11.0 (Off-Street Parking and Loading Regulations).

Section 6.06 Completion Of Construction.

Nothing in this Ordinance shall require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance, provided that completion of such construction is in accordance with the following:

1. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastening them in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition or removal shall be deemed to be actual construction provided that the work shall be carried on diligently. In the case of such excavation, demolition or removal, however, this provision shall expire and not be of effect 365 calendar days following the effective date of adoption or amendment of this Ordinance, unless the Zoning Administrator has issued a certificate of zoning compliance for the actual construction of a new building.
2. Where a building permit has been issued in accordance with the law within 365 calendar days of such effective date and diligently pursued to completion, said structure may be completed in accordance with the approved plans on the basis of which the building permit was issued, and further, may upon completion be occupied by the use for which it was originally designed, subject to the applicable provisions of Article 7.0 (Nonconformities).
3. Any basement, cellar, garage, or any incomplete structure without any occupancy permit in use as a dwelling on the effective date of adoption or amendment of this Ordinance shall not be used as a dwelling for more than 365 calendar days following said date, unless said structure has been completed in conformance with the regulations of the district in which it is located.

Section 6.07 Property Maintenance.

Each property owner shall be responsible for keeping their lot and buildings clean and free of any accumulation or infestation of filth, rubbish, garbage, vermin or other matter. Any hazardous places on a lot shall be fenced and secured.

Section 6.08 Essential Services.

Essential services shall be subject to federal, state, county, and local regulations. All essential service structures, uses, and storage yards shall conform to the requirements of this Ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such federal, state, county or local regulations.

Section 6.09 Fences and Walls.

As used in this Section, the term "fence" shall include "wall." Fences and similar enclosures in all zoning districts shall be subject to the following:

A. Approval Required.

It shall be unlawful for any person to construct or cause to be constructed a fence in the Township without having first obtained all necessary permits or approvals, as follows:

1. Construction, alteration or relocation of fences accessory to OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, INDUSTRIAL, RESEARCH, AND LABORATORY USES, and OTHER USES shall be subject to approval per Article 15.0 (Site Plan Review).
2. Construction, alteration or relocation of fences accessory to RESIDENTIAL USES and exceeding ten (10) feet in length shall be subject to approval per Section 1.07 (Certificates of Zoning Compliance).
3. Construction, alteration or relocation of fences accessory to RURAL USES and exceeding ten (10) feet in length, except agricultural structures as regulated by the Right to Farm Act, shall be subject to approval per Section 1.07 (Certificates of Zoning Compliance). Farm fences accessory to RURAL USES shall be exempt from this requirement.

B. General Standards.

The following shall apply to fences in all zoning districts:

1. Fences shall comply with the unobstructed sight distance standards of Section 3.208 (Corner Clearance Zones).
2. Where one side of a fence has a more finished appearance, the side with the more finished appearance shall face the road or adjacent lots (see illustration).
3. It shall be unlawful to erect a fence consisting of tires, vehicle parts, pallets, trash or any materials capable of providing habitat for pests or vermin.
4. Use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence shall be prohibited, except as follows:
 - a. Barbed or electric wire fences shall be permitted accessory to permitted RURAL USES, public utility facilities, and essential service uses.
 - b. The Planning Commission may approve use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence where deemed necessary for security purposes or public safety.

C. Location and Height.

Fence height shall be measured from ground level adjacent to the highest point of the fence. Fill shall not be used for the purpose of achieving a higher fence than otherwise permitted. Where the grade is not level, the maximum fence height shall be equal to the average fence height within four (4) feet of any fence post (see illustration).

1. In any zoning district, fences in any front yard area between the front building line and the road right-of-way shall not exceed four (4) feet in height and shall have at least fifty percent (50%) of their surface area open when viewed from the perpendicular.

2. In any zoning district, fences in a side or rear yard shall not exceed six (6) feet in height, except where otherwise permitted for specific non-residential land uses per Article 5.0 (Use Standards). Such fences shall not extend toward the front of the lot nearer than the required minimum front yard setback for the district.

D. Maintenance.

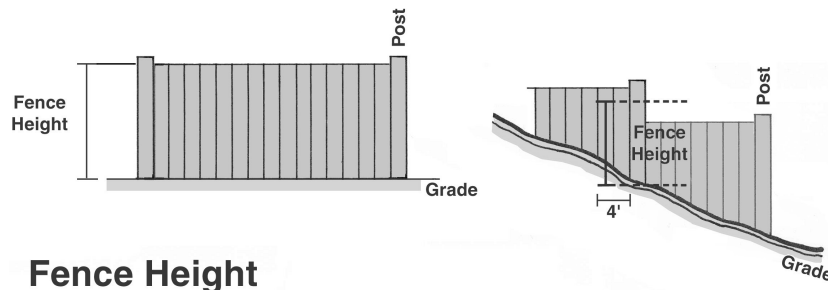
Fences shall be maintained by the property owner in good condition to not endanger life or property. Any fence determined by the Zoning Administrator to be a nuisance due to lack of maintenance or damaged condition shall be removed or repaired by the owner within 30 calendar days after receipt of a notice from the Zoning Administrator.

E. Waterfront Lots.

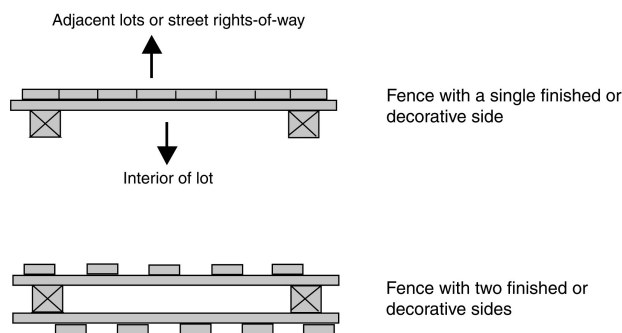
Fences over four (4) feet in height on waterfront lots in the Lake (LK) District shall be subject to the following additional standards:

1. Privacy fences and other fences that would block vision through the fence to an extent greater than fifty percent (50%) shall be prohibited within 25 feet of the ordinary high water mark of Pleasant Lake.
2. Ornamental fences, rail fences, chain-link fences, and similar types of fences that do not block vision through the fence to an extent greater than fifty percent (50%) shall be permitted in this area.
3. No fence shall be located within any general common element or other designated common area adjacent to the lake.

ILLUSTRATIONS



Fence Height



Orientation of Finished Side - Top View

Section 6.10 Swimming Pools.

Temporary or permanent outdoor swimming pools with a diameter exceeding twelve (12) feet, a depth exceeding two (2) feet or a surface area exceeding 100 square feet shall conform to the requirements of Section 6.01 (Accessory Structures and Uses). To prevent unauthorized access and protect the general public, swimming pools, spas, and hot tubs shall be secured in accordance with the requirements of the Michigan Residential Code.

Section 6.11 Transient and Amusement Enterprises.

Circuses, carnivals, other transient amusement enterprises, music festivals and similar temporary events and gatherings of people may be permitted in any zoning district, subject to Planning Commission approval. Such enterprises shall be permitted only after a Planning Commission finding that the location of such an activity will not adversely affect adjoining properties or adversely affect public health, safety, morals or general welfare. The Planning Commission may require posting of a performance guarantee per Section 1.11C (Performance Guarantees), in an amount sufficient to hold the Township free of all liabilities incidental to the operation of such activity and indemnify any adjoining landowners for any damage resulting from operation of such activity. Such damages shall be provable before a court of competent jurisdiction, and shall be payable through such court.

Section 6.12 Sale of Christmas Trees.

Cutting of trees on individual lots for the purpose of Christmas tree sales and/or the sale of previously cut trees assembled on individual lots for sale shall be subject to the following:

1. Christmas trees may be sold in the Rural Districts, Business Districts except the Industrial-Research (I-1) District, and Public/Semi-Public Services (PSP) District.
2. Institutional Uses, as defined in Section 19.03 (Definitions), may sell Christmas trees on the same lot occupied by the institutional use in any zoning district. Christmas tree sales shall not otherwise be permitted in the Residential Districts or any Planned Unit Development (PUD) District occupied by RESIDENTIAL USES.
3. Unless Christmas tree sales are accessory to the principal use of the site, approval per Section 1.07 (Certificates of Zoning Compliance) shall be required to allow temporary use of the site for such sales.
4. Such use and occupancy shall be temporary and shall not adversely impact adjacent and surrounding properties.
5. Tree storage and display areas shall comply with the minimum setback requirements for the district in which the outdoor sale of trees is located.
6. All loading and parking areas shall be confined within the boundaries of the site, and shall not be permitted to spill over onto adjacent road rights-of-way. Such use and occupancy will not create a traffic hazard and congestion.
7. All trees, parts of trees, refuse or debris resulting from Christmas tree sales, and all signs, lights, poles, wires, and other materials and equipment shall be removed from the site not later than the 28th day of December of the year the site is so used in accordance with the requirements of this Section.

Section 6.13 Property Between the Lot Line and Road.

The area between the lot line and edge of road pavement shall be maintained with grass or other suitable groundcover. Property owners shall be responsible for the condition, cleanliness and maintenance of the areas within the road right-of-way in front of their lot between their lot lines and the pavement edge.

Section 6.14 Voting Place.

The provisions of this Ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with any public election.

Section 6.15 Building Grades.

All buildings shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. Yards shall be graded to prevent ponding of surface water, and to not increase the natural flow or runoff of surface water on to adjacent lots or road rights-of-way.

Section 6.16 Approval of Plats.

All plats for new subdivisions shall conform to the standards of this Ordinance, the Township's subdivision regulations, other Township ordinances, and all applicable state statutes.

Section 6.17 Performance Standards.

No lot, building, or structure in any district shall be used in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition that adversely impacts adjoining premises or the surrounding area. No site plan or other land use or development application shall be approved if it is not in conformity with the requirements of this Section. The regulations of this Section shall govern, except where a higher standard is imposed by an outside agency with jurisdiction. The standards of this Section shall not apply to RURAL USES subject to the Right to Farm Act.

A. Surface Water Flow.

No site plan review application and no proposal for division of land shall be approved if subsequent development within the required setbacks would result in identifiable disruption to the existing or natural flow of water within drainage ditches, natural water courses, or drains having a recorded easement.

B. Dust, Smoke, Soot, Dirt, Fly Ash and Products of Wind Erosion.

Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Michigan Environmental Protection Act (P.A. 451 of 1994, as amended), or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means. These standards shall not apply to incidental residential or recreational activities, including but not limited to wood-burning stoves, campfires, gardening, landscaping, and yard maintenance.

C. Odor.

Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.

D. Glare and Heat.

Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one (1.0) footcandle when measured at any point along the property line of the site on which the operation is located. Any operation that produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.

E. Fire and Safety Hazards.

The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all applicable state, county and local regulations, including the Michigan Fire Prevention Code (P.A. 207 of 1941, as amended).

F. Sewage Wastes and Water Pollution.

Sewage disposal (including septic systems) and water pollution shall be subject to the standards and regulations established by federal state, county, and local regulatory agencies with jurisdiction.

G. Gases.

The escape of or emission of any gas that is injurious or destructive to life or property, or that is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the Michigan Environmental Protection Act (Public Act 451 of 1994, as amended), federal clean air regulations, and any other applicable state or federal regulations. Accordingly, gaseous emissions measured at the property line at ground level shall not exceed the levels indicated in the following chart that is based on the National Ambient Air Quality Standards:

Gas	Maximum Emissions Level	Sampling Period
Sulfur dioxide	0.14 ppm	24 hours
Hydrocarbons	0.24 ppm	3 hours
Photochemical oxidants	0.12 ppm	1 hours
Nitrogen dioxide	0.05 ppm	Annual
Carbon monoxide	9.0 ppm	8 hours
	35.0 ppm	1 hours
Lead	1.5 µg/cubic meter	3 months

Gas	Maximum Emissions Level	Sampling Period
Mercury	0.01 mg/cubic meter	10 hours
Beryllium	2.0 μ g/cubic meter	8 hours
Asbestos	0.5 fibers/cc	8 hours

Notes Related to Table:

- a. ppm = parts per million
- b. μ g = micrograms
- c. mg = milligrams
- d. cc = cubic centimeters

H. Electromagnetic Radiation and Radio Transmission.

Electronic equipment required in an industrial, commercial or other operation shall be designed and used in accordance with applicable rules and regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.

I. Radioactive Materials.

Radioactive material wastes and emissions, including electromagnetic radiation, shall not exceed levels established by occupational and health standards and state and federal agencies that have jurisdiction. No operation shall be permitted that causes any individual outside of the lot lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by federal and state laws and regulations currently in effect.

J. Procedures for Determining Compliance.

In the event that the Township receives complaints or otherwise acquires evidence of possible violation of any of the performance standards set forth in this Section, the following procedures shall be used to investigate, and if necessary, resolve the violation:

1. **Official investigation.** Upon receipt of evidence of possible violation, the Zoning Administrator or designated Township consultant shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards.

Upon initiation of an official investigation, the Zoning Administrator or designated Township consultant shall be empowered to require the facility owner or operator to submit data and evidence deemed necessary to make an objective determination regarding the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for legal action to terminate the use or deny or rescind permits required for continued use of the land.

Required data includes, but shall not be limited to plans of existing or proposed facilities, including buildings and equipment; a description of existing or proposed machinery, processes, and products; measurement of the amount or rate of emissions of materials purported to be in violation; and specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this Section.

2. **Method and cost of determination.** The Zoning Administrator or designated Township consultant shall take measurements, investigate the matter, and make an objective determination about any violations. Where required measurements and investigation can be accurately made using equipment and personnel normally available to the Township without extraordinary expense, such measurements and investigation shall be completed before notice of violation is issued. If necessary, skilled personnel and specialized equipment or instruments shall be secured to make the determination.

If the alleged violation is found to exist in fact, the costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists then such costs shall be paid by the Township.

3. **Appropriate remedies.** If, after appropriate investigation, the Zoning Administrator or designated Township consultant determines that a violation does exist, written notice of the violation shall be provided to the owners or operators of the facility deemed responsible requesting that the violation be corrected within a specified time limit.
 - a. If the alleged violation is corrected within the specified time limit, the Zoning Administrator or designated Township consultant shall note "violation corrected" on the Township's copy of the notice, which shall be retained on file.
 - b. If there is no reply from the owner or operator within the specified time limits and the alleged violation is not corrected, then the Township shall take such action as may be warranted to correct the violation. in accordance with the regulations set forth in this Section.
 - c. If a reply is received within the specified time limit indicating that that more time is required to correct an alleged violation, the Township may grant an extension upon determining that the delay will not cause imminent peril to life, health, or property.
 - d. If a reply is received within the specified time limit which requests further review and technical analysis even though the alleged violations continue, then the Township may call in properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.
4. **Costs and penalties incurred.** If expert findings indicate that violations do exist in fact, the costs incurred in making such a determination shall be paid by the persons responsible for the violations in addition to other applicable penalties under this Ordinance. Such costs shall be billed to those owners or operators of the use deemed responsible for the violation. If the bill is not paid within 30 calendar days, the Township may take necessary action to recover such costs, or may charge such costs against the property where the violation occurred.

Section 6.18 Barn Art.

Decoration of the roof or walls of a historic barn or similar agricultural structure with artwork, designs or patterns, including design elements that recreate or mimic historic advertisements, shall not be considered a "sign" for purposes of this Ordinance, provided that:

1. The structure is used or has been used for agricultural purposes, and is a "historic resource" as defined in Section 19.03 (Definitions).
2. The decorated area of the structure is located outside of all required yard setback areas for the zoning district, per Article 3.0 (Dimensional Standards).
3. Materials used to create the artwork, design or pattern shall be limited to any combination of shingles, paint, wood or other more permanent architectural elements consistent with the age and architecture of the historic resource.

Banners, temporary and permanent building-mounted signs, and any artwork, design or pattern created using materials not consistent with the age and architecture of the historic resource shall be subject to the requirements of Article 12.0 (Sign Regulations).

Section 6.19 Roof-Mounted Solar Energy Conversion Systems.

Roof-mounted solar energy conversion systems installed parallel to and directly adjacent to the roofline or integrated into the roof structure shall be considered an incidental part of the building for purposes of this Ordinance.

Section 6.20 Land Balancing and Alteration.

Filling, dumping, removal, adjusting, or balancing of land or depositing of earth material, topsoil, gravel, rock or other materials on land in the Township shall be subject to the following:

A. Filling Permit Required.

A filling permit shall be required in any zoning district for any filling, dumping, removal, adjusting, or balancing of land whenever the material exceeds 300 cubic yards, the land involved is less than 500 feet from a lake or stream, or the activity is associated with a proposed development project subject to approval in accordance with this Ordinance or other applicable Township ordinances.

B. Exemptions.

The following activities shall be exempt from the requirements of this Section:

1. Extraction operations subject to the requirements of the Freedom Township Sand and Gravel Extraction Ordinance (Ord. No. 32).
2. Normal farming operations and other bona fide agricultural practices.
3. Common household gardening, general ground care of a residential character, and normal soil changes for basement or foundation construction.
4. Normal maintenance of existing roadways and driveways, such as grading.

5. Normal maintenance of existing land uses, such as equestrian tracks and arenas.
6. Normal maintenance of septic fields, wells or other requirements associated with Washtenaw County Department of Environmental Health permits and approvals.
7. Excavation for the purpose of construction of single-family dwellings that are not part of a platted subdivision or condominium.

C. Required Conditions.

The following conditions shall apply to all activities regulated by this Section:

1. The use of land for the storage, collection, or accumulation of used construction materials, or for the dumping or disposal of junk, offal, refuse, ash, garbage, rubbish, waste material, including construction materials such as asphalt or industrial by-products shall be prohibited in all zoning districts, unless otherwise permitted by state law, this Ordinance or other Township ordinances.
2. The excavation or continued existence of unprotected holes, pits or wells that constitute or are reasonably likely to constitute a danger to the public health, safety, and welfare shall be prohibited. This subsection shall not apply to excavations for which permits has been acquired under this Ordinance and other Township ordinances, provided such excavations are properly protected with fencing, guardrails, and warning signs.
3. Fill material shall be composed only of gravel, clay, natural rock, crushed or processed concrete, earth or topsoil.
4. Permitted filling or removal activities shall not encroach into or occur within any floodplain or floodway; and shall not adversely impact adjacent land uses, occupancy of abutting lands or the normal development of the subject land or adjacent lots.
5. Placement or removal of such material shall not impair, obstruct or divert any drain, watercourse, regulated wetland, or pre-existing drainage pattern of surfacewater from the subject land, adjacent land or the road right-of-way.
6. The applicant shall be responsible for securing all required outside agency permits and approvals for permitted filling or removal activities, and shall submit copies of such permits and approvals to the Township prior to commencement of any permitted work on the property.
7. A performance guarantee, sufficient to cover all expenses for completion of groundcover plantings and site restoration and maintenance shall be required in accordance with Section 1.11C (Performance Guarantees), prior to commencement of any permitted work on the property.

D. Coordination with Development Plan Review.

Where filling, dumping, removal, adjusting or balancing of land occurs as part of a development project subject to site plan approval per Article 15.0 (Site Plan Review), condominium development approval per Article 8.0 (Condominium Regulations), planned unit development approval per Article 14.0 (Planned Unit Development District) or

subdivision plat approval in accordance with the Land Division Act and Township subdivision regulations, review of the filling permit application shall be incorporated into and coordinated with the development plan or plat review process.

E. Application Information.

Application shall be made by filing at least eight (8) paper copies and two (2) digital copies (in a format compatible with Township systems) of a complete and accurate application and drawing(s) with the Township Clerk, along with payment of required review fees and escrow deposits to the Township Treasurer. The application shall include the following information:

1. Name, address, telephone and facsimile numbers, and other contact information for the applicant and owners of record, along with proof of ownership.
2. The applicant's interest in the property, and if the applicant is not the property owner of record, a signed authorization of the owner(s) for the application.
3. Legal description, address, and tax parcel number of the property.
4. Written description of the nature of the proposed filling, dumping, removal, adjusting or balancing to be undertaken; the quantity, composition, and compaction qualities of any fill; and provisions for groundcover plantings and site restoration and maintenance, along with a cost estimate for such work.
5. A scaled and accurate survey drawing, correlated with the legal description and showing all areas to be filled or subject to removal; lot boundaries, required setbacks, and adjacent road rights-of-way; wetlands, drains, watercourses, floodplains, and floodways; other landmarks and topographical features; and all existing structures and other improvements.
6. Statement of intended land use following the completion of the filling or removal, and the expected time needed to complete such activities and restore the site.

F. Review Procedure.

The filling permit application shall be reviewed in accordance with following:

1. **Technical review.** Prior to Planning Commission consideration, the application materials shall be distributed to designated Township officials and the Township Planner for review and comment. The Planning Commission Chair may also request comments from other designated Township consultants, local agencies or departments with jurisdiction.
2. **Planning Commission action.** The Planning Commission shall review the application at a public meeting, together with any reports and recommendations from Township officials, the Township Planner, other designated Township consultants, and any local agencies or departments with jurisdiction. The Planning Commission is authorized to approve, approve subject to conditions, postpone action, or deny the application as follows:

- a. **Approval.** The filling permit application shall be approved by the Planning Commission upon determination that it is in compliance with the provisions of this Section and Ordinance.
 - b. **Approval subject to conditions.** The Planning Commission may approve the application subject to reasonable conditions intended to verify compliance with the applicable requirements of this Ordinance or other Township ordinances, or to ensure that the permitted fill or removal activities meet the requirements of any outside agencies with jurisdiction.
 - c. **Postponement.** Upon determination that the application is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone consideration until a later meeting.
 - d. **Denial.** Upon determination that the application is not in compliance with the provisions of this Section or Ordinance, or would require extensive modifications to comply with said standards and regulations, the application shall be denied. A written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for such denial. Failure of the applicant to attend two (2) or more meetings shall be grounds for the Planning Commission to deny the application.
3. **Recording.** Planning Commission action on the application shall be recorded in the Planning Commission meeting minutes, stating the name of the applicant; address and tax identification number of the parcel; the findings of fact and conclusions or grounds for the Planning Commission's action, and any conditions of approval. The Secretary or Chair shall file one (1) copy of the written record with the Township Clerk for the permanent Township record, and shall forward one (1) copy to the applicant as evidence of the filling permit approval.